

Next Meeting: May 5, 2004

10:00 a.m. – Thorburn Center – Ingham ISD (Rooms B and C)

SPECIAL EDUCATION ADVISORY COMMITTEE

Minutes of April 7, 2004, Meeting

10:00 a.m.

Present: Cindy Anderson (for Don Trap), Cheryl Ervin, Elaine High, Ric Hogerheide, Patricia Keller, Maggie Kolk (for Patt Clement), Shari Krishnan, Patricia MacQuarrie (for Randall VanGasse), Pam Mish, Ginny Palubin (for Lois Lofton Doniver), Sue Rabidoux, Anne Richardson, Debs Roush, Deb Russell, Steve Schwartz, Larry Simpson, Barbara Stork (for Jill Jacobs), Deb Todd, Collette Ward
Ex-Officio Members: Lynn Boza (for Rosanne Renauer), David Brock (for Jacquelyn Thompson), Mark Larson

Absent: Greg Bodrie, Kathleen Clegg, Pansy Coleman, Sheri Falvay, Janice Fialka, Jim Kubaiko, Paul Kubicek, Lee Martin, Peggy McNeilly, Michele Robinson, Jeff Siegel

OSE/EIS Staff: Fran Loose, Joanne Winkelman

Guests: Kendra Chalmers, Dara Knill, Sandi Laham, Jon Wurdock

The meeting was called to order by Chairperson Larry Simpson.

Roll Call

Roll call was taken and a quorum was present.

Introduction of Guests

Guests attending the meeting were introduced.

Amend/Approve Proposed Agenda

The agenda of April 7, 2004, meeting was considered. Ric Hogerheide moved, seconded by Deb Russell, to approve the agenda as amended. The motion carried.

Amend/Approve Minutes

The minutes of March 3, 2004, meeting were considered. Ric Hogerheide moved, seconded by Elaine High, to approve the minutes as written. The motion carried.

Public Comment

Ginny Palubin introduced Dara Knill who is replacing Lois Lofton Doniver as the delegate for the Michigan Federation of Teachers and School-Related Personnel.

Chairperson's Report – Larry Simpson

Larry Simpson expressed appreciation for the hard work of the committee members and their organizations. In addition, he thanked Debs Roush for chairing the March meeting in his absence.

Larry shared two recent incidents related to students in his school system; one concerning a 6-year-old who brought an unloaded .25 automatic to school thinking it was a toy and another concerning a high school student who got in a physical fight with a teacher who had apparently pulled her hair. Times continue to be difficult for students with disabilities. In addition, emerging personnel changes pose additional challenges.

Larry will present his research on zero tolerance and students with disabilities at the national CEC conference in New Orleans. He recommended reading the Harvard Civil Rights Report related to zero tolerance as it has a strong connection to the bullying topic covered in last month's general supervision subcommittee meeting. The Flint school system recently encountered a bullying situation involving a female student with disabilities. They followed every policy and procedure currently in place and were unable to stop the bullying. New policies are needed concerning bullying in schools. Larry will email his bibliography to the listserv so everyone can view his resources for further information.

State Reports – David Brock

A. State Board of Education

There were no special education items taken before the State Board of Education in March. At the April 13 meeting, ISD plans for Midland and VanBuren will be considered for approval. In addition, the Board will receive an update on the charge and activities of the Universal Education Referent Group. Nominations to the SEAC will be given to the Board in April and considered for approval in May. The SEAC's information on Eligible Students with Disabilities in the Correctional System, approved by the committee of the whole at the March meeting, will go to the Board in June.

B. Department of Education

Work on ways to meet the NCLB Requirements of Highly Qualified Special Education Teachers continues. The Department provided to the committee a table containing the Department's latest guidance on how special education teachers can meet the NCLB standards.

Progress toward developing a Continuous Improvement Focused Monitoring (CIFM) model continues. The Design Team's recommendations show that the development of the CIFM model is more complex than originally expected. Additional committees may be convened to develop various pieces of the model. Initially, a proposal was anticipated for May 1; however, it is now expected on August 1. As a result, the public comment period for state policies is moved back to August 1. Other items will likely be included in that public comment.

There are a few SEAC-related items from the August 2003 public comment period that are still outstanding. The Autism Definition will be presented this morning by Joanne Winkelman as an information item. Transition Coordinator Qualifications are still in committee; a new proposal was drafted that included a grandperson clause for those already serving in that role under the OSE/EIS Transition Grant. The new proposal will go out for public comment in August.

The Department met three critical federal deadlines over the past couple of months. The applications for federal funds, one each for Parts B and C, were recently completed. Additionally, the annual performance report was due on April 1. The report is required of all states each year and includes such data as graduation rates, MEAP scores, and alternate assessment scores. The final document is comprehensive and an executive summary is being developed for dissemination.

The Office of Special Education Programs (OSEP) conducted a data verification visit last November. The MDE received a letter a week ago outlining the areas they were pleased with and those they felt needed improvement. For a long time Michigan has been unable to meet the 60-day timeline for complaint investigation. Several steps have been taken over the last several months to rectify that situation; however, they have not yet resulted in the ability to meet the timeline. Two new complaint investigators and six part-time contracted people were hired at the state level. The Department believes that these new people will help the state get through the backlog of complaints and meet the 60-day timeline by the deadline set by the OSEP.

The proposed Stay Put Provision in Mediation resulted from Michigan's federal monitoring self-assessment a few years ago. The idea behind it was to encourage parents to use mediation, a less adversarial method of dispute resolution than due process hearings, by guaranteeing that their child would stay in his or her current placement while the dispute was in mediation. This proposed rule was challenged during public comment as to its legality. The OSEP confirmed that stay put is only a part of due process hearings and is not a part of the mediation process at the federal level. After consultation with the Attorney General's office, the Department decided not to pursue the clause. A recommendation to not pursue the stay put provision will be brought to the SEAC in May. Steve Schwartz expressed concern that law firms may use this leverage to affect future rule-making efforts by the Department. David explained that this issue is not the issue that the Department wants to use to take up such a challenge. Anne Richardson asked if this issue was raised after development of the magistrate system proposal. David explained that the rules concerning the single-tier magistrate system are still being

drafted. Discussion followed. Pat Keller offered to ask different CAUSE offices their thoughts regarding the provision.

Fran Loose reported that the SEAC's Inclusive Education statement, sent to the State Board of Education last June, was re-titled by the OSE/EIS at the request of the Board to reflect the least restrictive environment procedure content. The title change resulted in the need for some re-sequencing in the document. A copy with the changes shown was distributed to the committee. No content had been removed. Ric Hogerheide moved, seconded by Debs Roush, to acknowledge receipt of the revisions and affirm that they do not change the original intent or contents presented to the Board of Education for approval. The motion carried.

Information Items

A. No Child Left Behind report from the School Age Subcommittee – Debs Roush

The interface of two federal laws, NCLB and IDEA, is the focus of the document. Debs explained that the introduction gives some historical background, recognizes the nature of the conflict between NCLB and IDEA, and outlines the four concerns. She then went over each concern individually while Fran Loose recorded additional information that the committee would like addressed and/or considered in this paper. The subcommittee will examine and edit the document in May and bring a final version to the committee of the whole for approval in June.

B. Autism Disorder Definition – Joanne Winkelman

Joanne explained that the most controversial issue surrounding this document was the title. The committee charged with developing the definition spent most of their meeting discussing Autism versus Autism Spectrum Disorder. The concern surrounding Autism Spectrum Disorder was that it was too broad. The focus is on those students who require special education, not everyone on the entire spectrum. A compromise, Autism Disorders, was reached in the referent group. The other controversial issue was the Family Support Subsidy. The Department has supported using something other than placement to determine family support subsidy so that identification of students isn't affected. Finally, in section 2.iii of the proposed rule, "limitations" was changed to "marked impairment."

Deb Russell asked for clarification regarding the placement issue. Joanne explained that for the Family Support Subsidy, not only is a label required, a placement in an autism program is required. The committee felt that schools would be under additional pressure from people demanding label and placement changes in order to receive the subsidy. Discussion followed.

Pat Keller raised a concern about the language requiring the individuals being diagnosed to be over the age of three. Joanne explained that the age limit is a federal requirement.

Anne Richardson moved, seconded by Shari Krishnan, to recommend amending the title to “Autism Spectrum Disorder.” Discussion followed. Sue Rabidoux suggested disseminating the information to the delegates not present today and postponing the decision until the May meeting. The motion was withdrawn by the Chair.

Action Items

A. SEAC 2004-05 Executive Committee Nominations

Larry Simpson announced that ballots would be mailed this month. A full executive committee has seven members and only six are nominated thus far. Larry attempted to recruit an additional person but no one stepped forward. The bylaws will be consulted to determine whether a write-in or an appointment should be made to fill the seventh position. Deb Russell moved, seconded by Cheryl Ervin, to accept the slate of nominations as presented. The motion carried.

Ex-Officio Reports

Institutions of Higher Education – Mark Larson – None

Michigan Department of Community Health – Sheri Falvay – None

Michigan Department of Career Development/Rehabilitation Services – Lynn Boza – The Michigan Rehabilitation Conference, a joint conference between the Michigan Rehabilitation Association and the Michigan Association of Rehabilitation Organizations (MARO), has its call for proposals out at maro.org. Those interested in presenting at the conference should visit the website.

Family Independence Agency – Lee Martin – None

Committee Reports

A. General Supervision – Pam Mish

Pam presented two reports summarizing the subcommittee’s work in March, one on a member concern about bullying and another on highly qualified special education teachers. A typewritten summary on each was distributed.

Steve Schwartz mentioned that the Michigan Association of School Psychologists is trying to get a policy written on bullying that could be adopted legislatively. He would like to see the SEAC address this issue further. In response, Fran Loose relayed a conversation that she and David Brock had with Jacquelyn Thompson. Jacquelyn’s major goal when referring the bullying issue to subcommittee was advice the SEAC could offer regarding how the state can address the general information gap between large state initiatives and individuals in the field. Bullying is a specific example.

Discussion followed. Larry suggested adding bullying to the list of subjects the SEAC is interested in pursuing further in the coming year.

B. School Age – Debs Roush

Debs presented the subcommittee's work on NCLB today.

C. Secondary Transition – Larry Simpson

The subcommittee discussed Medicaid and transition with Jane Reagan following Jane's presentation to the Committee of the Whole.

Member Issues

Elaine High brought bookmarks about The Faculty Room, a postsecondary resource.

Steve Schwartz mentioned that his organization developed a position paper on NCLB. He will bring some copies on CD at the next meeting.

Future Agenda Items

Steve Schwartz suggested inviting Senator Buzz Thomas to a future meeting to discuss bullying legislation. Larry asked Steve to contact Buzz about a lunch presentation at the June meeting.

Elaine High moved, seconded by Barbara Stork, to adjourn. The motion carried. The meeting was adjourned to subcommittee meetings.

Amanda Whitehead
Recording Secretary

SPECIAL EDUCATION ADVISORY COMMITTEE

Executive Committee
Minutes of April 7, 2004, Meeting
8:45 a.m.

Present: David Brock, Ric Hogerheide, Shari Krishnan, Sandi Laham, Fran Loose, Pam Mish, Debs Roush, Larry Simpson

Absent: Jacquelyn Thompson, Randall VanGasse

Review of Today's Agenda

Fran Loose explained that the SEAC's Inclusive Education paper, approved last June by the SEAC, was re-titled at the request of the State Board of Education. The new title resulted in the need for some re-sequencing of the document. The updated document was distributed to the committee today with the changes shown. Fran stressed that all content was retained throughout the edits and that no formal action is required of the SEAC. Ric Hogerheide will make a motion during the State Reports to acknowledge that the changes preserve the original meaning.

Joanne Winkelman will be present to summarize the process that the definition of autism went through following the public comment period. It is an information item on today's agenda.

State Department Report

Jacquelyn Thompson is on annual leave. In her stead, David Brock will go over State Board of Education items related to special education and discuss the status of two SEAC-related policies, the Transition Coordinator Qualifications, and the proposed Stay Put Provision in Mediation. The Transition Coordinator Qualifications procedures are being completed in a referent group. The Department decided to not to pursue the Stay Put Provision in Mediation after some negative public comment, checking with the US Office of Special Education Programs and the Attorney General's office. Shari Krishnan expressed an understanding of the decision as well as disappointment that the provision would not be moved forward. She explained that the provision was developed as part of a cohesive product that also included the single-tier magistrate system. Discussion followed. A recommendation to not pursue the provision will be brought to the committee of the whole in May.

Chairperson's Report

Nominations for the seventh slot on the executive committee ballot will be taken today. The completed ballot will be mailed this month and a vote taken, to be reported in May. Larry will announce that those on the ballot should attend the executive committee meeting next month.

Subcommittee Reports

- A. General Supervision – Pam Mish reported that the subcommittee spent time last month discussing bullying and highly qualified special education teachers. Summaries of their work will be distributed in the committee of the whole meeting.
- B. Secondary Transition – Fran Loose reported that Jane Reagan presented on Medicaid to the committee of the whole last month and then met with the subcommittee to discuss the topic in greater detail.
- C. School Age – Debs Roush will present the subcommittee's NCLB paper to the committee of the whole today. She will spend fifteen minutes going over the document with the committee of the whole and allow some time for discussion.

Future Agenda Development

None